

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARK E. WOOLLEY,
Plaintiff

v.

MICHAEL GROFT,
Defendant

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No. 1:20-cv-01887

(Judge Kane)

ORDER

AND NOW, on this 27th day of January 2023, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendant's motion for summary judgment (Doc. No. 63) is **DENIED** with respect to Counts I (Breach of Contract of the Demand Notes), II (Breach of Contract of the KGLA Agreement), III (Fraud), and IV (Unjust Enrichment) of the amended complaint (Doc. No. 26);
2. Plaintiff's partial motion for summary judgment (Doc. No. 66) is **DENIED** with respect to Counts I (Breach of Contract of the Demand Notes) and II (Breach of Contract of the KGLA Agreement) of the amended complaint (Doc. No. 26);
3. Counts V (Declaratory Judgment – Demand Notes) and VI (Declaratory Judgment – KGLA Agreement) of Plaintiff's amended complaint (Doc. No. 26) are **DISMISSED** as duplicative of Plaintiff's claims for breach of contract in Counts I (Breach of Contract of the Demand Notes) and II (Breach of Contract of the KGLA Agreement); and
4. A telephonic status conference in the above-captioned case is scheduled for February 2, 2023, at 11:00 a.m. Plaintiff's counsel shall initiate the call. The telephone number for the purposes of this call is (717) 221-3990.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania